

**CITY OF SHORELINE HEARING EXAMINER  
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

**PROJECT INFORMATION SUMMARY**

**PROJECT:** Street vacation of a 12,822-square foot portion of  
Ronald Place North

**PROJECT FILE NUMBER:** 201775

**LOCATION:** 17244 Aurora Avenue North, the portion of Ronald Place  
North that is south of 175<sup>th</sup> Street, extending approximately  
214 lineal feet to the western entrance of Top Foods

**PETITIONER** Larry Steele and Top Foods

**RECOMMENDATIONS:** Department: Approve with conditions  
Hearing Examiner: Approve with conditions

**PUBLIC HEARING:** April 9, 2009

**Introduction**

Larry Steele and Top Foods petitioned for vacation of portion of Ronald Place North. The City Council passed Resolution No. 284, which directed that the public hearing on the petition be held before the City Hearing Examiner. The hearing was held on April 9, 2009 at the Shoreline Fire Department Headquarters. The Hearing Examiner inspected the site on April 9, 2009. The record was held open after the hearing to receive more information from the Department of Planning and Development concerning its proposed Condition 6 and to identify the source of the traffic modeling information referenced in the staff report. The Department provided the additional information on April 15, 2009.

After due consideration of the evidence presented at the public hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

**Findings of Fact**

1. The petition is for the vacation of a portion of Ronald Avenue North located south of North 175<sup>th</sup> to the western entrance of Top Foods. The petitioners are Larry Steele and Top Foods. The petitioners own 100 percent of the property abutting the area proposed for vacation.

2. The petition seeks to vacate a 12,822-square foot portion of Ronald Place North lying south of N. 175<sup>th</sup> Street and extending to the western entrance of Top Foods, as shown in Attachment A to the City's Staff Report.
3. Petitioner Steele owns property located directly west of the vacation area. Mr. Steele operates Aurora Rents, a retail business, at this location. Other businesses which are accessed by Ronald Place North include Top Foods, Skyline Windows, Smitty's Barbershop, Del Bet Printing and an apartment complex. All of these businesses would retain two-way access to Ronald Place N. and the intersection of Ronald Place N. and Aurora Avenue North.
4. The Interurban Trail is located immediately to the east of the proposed vacation area. The existing trail provides bicycle and pedestrian access in the immediate vicinity.
5. Ronald Place North is used as a bypass for some of the northbound traffic on Aurora Avenue North. Some vehicles travel north on Ronald Place North before turning eastbound on N. 175<sup>th</sup> Street, thus avoiding the traffic signal at N. 175<sup>th</sup> Street.
6. The signalized intersections of Midvale Avenue N. and Aurora Avenue N. on N. 175<sup>th</sup> Street are 200 feet apart. The relatively short distance between the signals, according to the Department, makes it difficult to synchronize the two signals, and increases delays on these streets. Ronald Place North intersects N. 175<sup>th</sup> Street between these signals, introducing turning movements to N. 175<sup>th</sup> Street, thus adding to the delay.
7. The City is currently designing the Aurora Corridor Improvement Project (Corridor Project) a three-mile long roadway improvement project that will be located immediately west of the segment of Ronald Place North involved in this vacation petition. The Corridor Project includes a proposed Business Access-Transit (BAT) lane on Aurora Avenue N., which will provide additional lane capacity for right-turning vehicles to travel eastbound on N. 175<sup>th</sup> Street. The Corridor Project also calls for the placement of a seven-foot wide sidewalk and a four-foot wide amenity zone separating the sidewalk from the transit lanes.
8. The traffic modeling performed for the Aurora Corridor Improvement Project shows that the BAT lane on Aurora Avenue N. would provide additional lane capacity for right-turning vehicles to travel eastbound on N. 175<sup>th</sup> Street. The Aurora Corridor Project plans (see "Transportation Discipline Report" (September 2007), including the alternative adopted by Council, identify Ronald Place N. at this location as no longer functioning as a through street (instead, driveway aprons are depicted at both ends of the street).
9. The above-referenced Corridor report also acknowledges the "32 points" that were adopted in 1999 and to be used as guidance for the Corridor planning. Point 27 states that if the design impacts the red brick road north of 175<sup>th</sup>, "preserve its heritage by

relocating it elsewhere.” Point 30 refers to signing Ronald Place south of 175<sup>th</sup> as the route to I-5. The “Implementation Strategies” adopted by the City Council in 2007 also reference the preservation of the red brick road north of N. 175<sup>th</sup> in a Heritage park.

10. The City notified utility providers with facilities in or near the right-of-way of the vacation area of the proposed street vacation. Quest, Seattle Public Utilities, and the Shoreline Water District have indicated that they have no infrastructure within the proposed vacation area. Comcast, Puget Sound Energy, Ronald Wastewater District, Verizon, and Seattle City Light have all indicated that they have a vested interest in the right-of-way and have requested easements to allow them to access and maintain their facilities.

11. Ronald Place North between N. 173<sup>rd</sup> Street and N. 180<sup>th</sup> Street is identified as the “North Trunk Red Brick Road” in the SEPA checklist for the Corridor Project. The vacation area has not been designated as an historic landmark or otherwise identified as a protected landmark. Several public comments noted that the North Trunk Red Brick Road is an important part of the City’s history, although other comments asserted that the historic Road had been adequately preserved north of N. 175<sup>th</sup>.

12. Aurora Rents is owned by the petitioner Larry Steele. The retail business has been at this location for approximately 46 years. According to the petition, the store will lose approximately 13,000 square feet of area on the Aurora-facing side, due to the Corridor Project. The Department report notes that a new building could be constructed on the site without the street vacation, but that the additional square footage provided by the vacation would give the petitioner more redevelopment options “in terms of parking, storage, low-impact development techniques and design elements.”

13. On February 9, 2009, the City Council passed Resolution 284. The resolution declared that petitioners Larry and Mary Steele and Briar Development Co. LLP, owners of 100% of the property abutting the area proposed for vacation, filed a petition with the City Clerk for street vacation. The resolution set the open record hearing on this matter before the Hearing Examiner for April 9, 2009.

14. SMC 12.17.020 requires posting of the notice of the hearing at least 20 calendar days prior to hearing, and also requires that, 15 days prior to hearing, notices be mailed to owners of property within 500 feet.

15. A Public Notice of Application combined with a Public Notice of Hearing was posted on March 20, 2009. Advertisements for the hearing were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the site on March 25, 2009, describing the Notice of Application and Notice of Public Hearing with SEPA Determination.

16. A neighborhood meeting was held on March 30, 2009 to describe the proposed street vacation and to hear public comments. Six people from the general public attended the meeting.

17. Many written public comments were received by the City on this application, and the comments are included in the file on this matter.

18. At the public hearing held on April 9, 2009, members of the public provided public comments on the proposed vacation. City staff and the petitioner also provided information.

19. The Shoreline Fire District has reviewed the proposed vacation and has determined that the vacation would not affect their ability to provide emergency response so long as either (1) the Fire Department is granted an access easement through the property; or (2) on the area to be vacated, an area is designated for the fire trucks to turn around with a minimum radius of 80 feet.

20. The City's Comprehensive Plan does not specifically address street vacations. Several Comprehensive Plan goals and policies are relevant to the proposed vacation, including:

Goal LU VI: Ensure that adequate land is designated for commercial areas that serve community and regional based markets and that these areas are aesthetically pleasing and have long-term economic vitality.

Goal LU VII: Increase the vitality and economic development in the North city and Aurora Corridor business areas through a public/private effort.

Goal LU IX: Increase the City's role in economic development for the Aurora corridor.

LU37: Assist with land assembly and redesign rights-of-way to improve intersections for redevelopment.

LU 139: Restrict the water runoff rate to predevelopment levels and restore water quality to predevelopment levels for all new development and redevelopment. Additional requirements which are more restrictive than this general policy may apply in the case of substantial redevelopment of parcels which were originally developed under non-existent or outdated stormwater control standards and contain large areas of impervious surfaces, have a high percentage of total impervious surfaces, or have identified drainage or water quality problems.

Goal ED II: Support economic development and retail and office activity so as to maintain sustainable sources of revenue.

ED 4: Encourage and support revitalization and construction spending within the City.

ED 15: Support and retain small businesses for their jobs and services that they provide to the community.

21. The City's SEPA official has determined that the proposed street vacation is categorically exempt from SEPA, as provided in WAC 197-11-800(2)(h). (Some public comments argued that the street vacation is not exempt under WAC 197-11-305 and that the vacation is "physically or functionally related" to the Aurora Corridor Project. The SEPA official's determination concerning a categorical exemption cannot be challenged as part of this street vacation review, but in any event there is no indication that the vacation is part of the Corridor proposal within the meaning of WAC 197-11-305.)

22. The Department has recommended approval of the vacation with the following conditions:

1. Easements for each utility currently using the vacated right-of-way shall be recorded concurrently with the street vacation, in a form acceptable to the utility providers prior to redevelopment.
2. The Shoreline Fire District shall be granted an access easement in a form acceptable to the Fire District.
3. The vacated roadway must be signed as a private drive or physically closed by the Petitioners.
4. A covenant from Top Foods must be recorded providing sixty (60) days' notice to the City and Petitioner Steele prior to permanently closing its access to the un-vacated portion of Ronald Place. Petitioner Steele shall record a covenant to dedicate a public turnaround meeting the Shoreline Engineering guide should this access be closed.
5. The northbound lane of Ronald Place must remain open to through traffic until a Notice of substantial Completion has been issued for the Aurora Corridor Improvement Project or until earlier notice from the City.
6. A covenant shall be recorded prohibiting alteration or destruction of or construction on the red brick road within the vacated right-of-way, provided that (1) striping for parking shall be allowed on the red brick road; and (2) Petitioners can request an amendment or release of this covenant from the Shoreline City Council.
7. Kevin Sill shall be granted an access easement in a form acceptable to Mr. Sill. (Condition 7 is identified as an "optional" condition by staff.)

### **Conclusions**

1. The criteria for approval of a street vacation are set forth in SMC 12.17.050. Each of the following criteria must be met:

- (A) The vacation will benefit the public interest;
- (B) The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes;
- (C) The street or alley is not a necessary part of a long range circulation plan or pedestrian/bicycle plan; and
- (D) The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

2. The first criterion is whether the street vacation will benefit the public interest. The street vacation would facilitate continuing operation of an established retail use at this location, and would allow redevelopment of the site consistent with current Codes and design standards. The Department has also noted that release of the right-of-way would lessen City liability that might result from improper maintenance of this portion of the street. The proposed street vacation would not affect the existence of the red brick road; the recommended conditions allow the owner to stripe the vacated area, but otherwise prohibit alteration or destruction of the red brick road absent specific Council approval. On balance, the proposed vacation would benefit the public interest.

3. The proposed street vacation would not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes. As to circulation, the vacation would improve traffic flow on N. 175<sup>th</sup> Street and reduce delays on N.175<sup>th</sup> between the signaled intersections of Midvale Avenue N. and Aurora Avenue N. Further, the traffic modeling done for the Aurora Corridor Improvement Project does not rely on Ronald Place N. continuing to serve as a through street. Individuals who currently use Ronald Place N. as a bypass route to avoid the signals may be inconvenienced, but the traffic information provided in the record shows that the traffic circulation and access in this area will not be impaired by the vacation and may be improved.

4. All businesses and properties currently accessed by Ronald Place N. would retain two-way access to that street. Only Aurora Rents, west of the vacation area, will have its access directly affected by the vacation, but its internal circulation and emergency vehicle access will not be impaired.

5. The vacation as conditioned would not affect the provision of emergency services, and it would not be detrimental to utility services, or other right-of-way purposes in the street.

6. No long range circulation plans or pedestrian/bicycle plans identify the proposed vacation area as a necessary part of such plans, so this criterion is met.


7. The street vacation would be consistent with adopted Comprehensive Plan goals and policies which encourage economic development and the retention and revitalization of businesses in this area. The vacation as conditioned would also be consistent with the adopted street standards.

### Recommendation

The Hearing Examiner recommends **APPROVAL** of the proposed street vacation, subject to the following conditions:

1. Easements for each utility currently using the vacated right-of-way shall be recorded concurrently with the street vacation, in a form acceptable to the utility providers prior to redevelopment.
2. The Shoreline Fire District shall be granted an access easement in a form acceptable to the Fire District.
3. The vacated roadway must be signed as a private drive or physically closed by the Petitioners.
4. A covenant from Top Foods must be recorded providing sixty (60) days' notice to the City and Petitioner Steele prior to permanently closing its access to the un-vacated portion of Ronald Place. Petitioner Steele shall record a covenant to dedicate a public turnaround meeting the Shoreline Engineering guide should this access be closed.
5. The northbound lane of Ronald Place must remain open to through traffic until a Notice of substantial Completion has been issued for the Aurora Corridor Improvement Project or until earlier notice from the City.
6. A covenant shall be recorded prohibiting alteration or destruction of or construction on the red brick road within the vacated right-of-way, provided that (1) striping for parking shall be allowed on the red brick road; and (2) Petitioners can request an amendment or release of this covenant from the Shoreline City Council.
7. Kevin Sill shall be granted an access easement in a form acceptable to Mr. Sill.

Entered this 22nd day of April, 2009.

  
Anne Watanabe  
Hearing Examiner

